IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.421 OF 2006

IN

SUMMARY SUIT NO.2274 OF 2006

Harshad Doshi. ...Plaintiff

vs.

Bhanumati J. Shah. ...Defendant.

Mr.M.Shamim i/b. Shamim & Co., for Plaintiff.
Mr.Harshad Hindaday, for Defendant.

CORAM: D.K.DESHMUKH, J.

DATED: 19th December,2006..

P.C.:-

1. The plaintiff has filed the suit for recovery of the dues arising out of the construction contract which was given by the defendant to the plaintiff. It appears that the written contract between the parties was modified in so far as rate of certain items are concerned during the currency of the contract. What is the extent of modification in the contract will have to be decided on the oral evidence that is to be

led by the parties. Therefore, the suit cannot be decided in the summary jurisdiction. The summons for judgment is disposed of. The defendant is granted unconditional leave to defend the suit. Written statement to be filed within a period of four weeks from today. Suit be transferred to commercial causes.